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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

LAWRENCE A. SPENCER,

Defendant and Appellant.

D074722

(Super. Ct. No. SCN376108)

APPEAL from a judgment of the Superior Court of San Diego County, Michael Kirkman, Judge. Affirmed.

Alex Coolman, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance by Plaintiff and Respondent.

Lawrence Spencer appeals sentencing after revocation of probation. (Pen. Code, § 1237, subd. (b).)<sup>1</sup>

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<sup>1</sup> All statutory references are to the Penal Code unless otherwise noted.

Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) indicating he has not been able to identify any arguable issue for reversal on appeal. Counsel asks this court to review the record for error as mandated by *Wende*.

On March 18, 2019, defendant brought a motion requesting we augment the record to include a minute order reflecting that as a result of a letter sent by appellate counsel, the trial court made modifications to the fines imposed. On April 4, 2019, we granted the request and set the date by which defendant needed to file his own brief on appeal, but he has not responded.

#### PROCEDURAL BACKGROUND

On August 2, 2017, the San Diego County District Attorney filed a complaint charging defendant with one felony count of receiving stolen property (§ 496) and one count of misdemeanor battery. (§ 242.)

On August 10, 2017, defendant pled guilty to both counts. Imposition of sentence was suspended and defendant was placed on probation for three years. As defendant's brief notes, on November 16, 2017, January 30, 2018, and May 17, 2018, the court revoked probation and again reinstated defendant on probation. On July 12, 2018, the court revoked defendant's probation and sentenced him to two years in prison.

On September 19, 2018, defendant filed a timely notice of appeal and obtained a certificate of probable cause.

On March 11, 2019, pursuant to a letter request by appellant's counsel concerning fine-related issues under the procedure described in section 1237.2, the trial court struck the fines.

## STATEMENT OF FACTS

Briefly, the probation report states defendant was in possession of a stolen laptop and in the process of retrieving it from defendant, the owner of the laptop was punched by defendant.

## DISCUSSION

As we have noted, defendant's counsel has filed a brief pursuant to *Wende* requesting this court review the record for errors. There are no issues raised pursuant to *Anders v. California* (1967) 386 U.S. 738. As noted in a declaration filed with his *Wende* brief, defendant's counsel has informed defendant that he may ask this court to be relieved, however, he has not done so and remains available for further briefing.

We have reviewed the entire record and have not discovered any arguable issue supporting reversal on appeal. Competent counsel has represented defendant on appeal.

## DISPOSITION

The judgment is affirmed.

BENKE, Acting P. J.

WE CONCUR:

HUFFMAN, J.

AARON, J.